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ABSTRACT

A questionnaire was mailed to all members of the Montgomery County (Maryland) Bar Association in order to assess the need for trained legal assistants among practicing Montgomery County attorneys, and to elicit their opinions of functions legal assistants might perform and recommendations for coursework and other aspects of a legal assistant training program. Responses were received from 14% of the law practices, representing 29% of the practicing attorneys. Seventy-eight percent of the respondents indicated they would like to have their employees take additional training and 72% indicated an interest in hiring a legal assistant, but 86% would prefer to promote their own legal secretaries through legal assistant courses and on-the-job training. Only 54% had any interest in hiring a new employee to serve as a legal assistant. Because of the very low response rate and overrepresentation of large law firms in the respondent group, it was recommended that the survey results be viewed cautiously. It was suggested that a series of courses in a certificate program might be more appropriate than a separate program leading to a degree. The survey instrument is appended. (JDS)

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ED132985

THE LEGAL ASSISTANT

A Study of the Need for a Program of Legal Assistant Education in Montgomery County

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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Citizen Advisory Committees, An Evaluation of the Effectiveness of Citizen Advisory Committees in the Improvement of Career Curriculums at Montgomery College, Robert L. Gell and Suzanne C. Harkness, 1974, pp. 41.

The Dental Hygienist, A Study of the Need for a Program of Dental Hygiene Education in Montgomery County, Robert L. Gell, Robert F. Jones and Ann R. Munson, 1975, pp. 37.

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(Continued inside back cover)

THE LEGAL ASSISTANT

A Study of the Need for

a Program of

Legal Assistant Education

in

Montgomery County

Conducted by

The Department of Office Education

Takoma Park Campus

Catherine Scott, Chairperson

and

The Montgomery County Legal Secretaries Association

Patricia A. Costello, President

Analysis by

David F. Armstrong, Research Analyst

Office of Institutional Research and Analysis

MONTGOMERY COLLEGE

Montgomery County, Maryland

1976

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THE LEGAL ASSISTANT

INTRODUCTION

Members of the Montgomery County Legal Secretaries Association (MCLSA) have expressed an interest in upgrading their skills and in becoming legal assistants. Under the supervision of a lawyer, a legal assistant does responsible work traditionally performed by lawyers. The Association has approached Montgomery College regarding the establishment of such an educational program. Through the cooperation of members of the Montgomery County Bar Association, the College has already offered two courses: Divorce Law in Maryland and Drafting Wills and Probating Estates. Both courses were well attended and evaluated as being very successful by the participants.

The MCLSA is urging the College to develop a certificate program and possibly a degree program in legal assisting education. However, before a new career program can be established, a need for the services of its prospective graduates must be identified in the community. This study has been designed to assess the need for trained legal assistants among practicing Montgomery County attorneys and to examine whether or not these attorneys would employ graduates of a legal assistant program at Montgomery College. The attorneys have been asked, furthermore, to provide suggestions concerning the possible functions of legal assistants and the courses of study they might pursue in order to be trained for these functions. A final area of investigation concerns the willingness of lawyers in the

County to participate in actual course design and instruction. The following report contains a summary and analysis of the results of a survey of Montgomery County lawyers designed to address the foregoing questions.

The survey of lawyers was conducted by Professor Catherine Scott, Chairperson of the Office Education Department, Takoma Park Campus, in cooperation with Ms. Patricia A. Costello, President of the Montgomery County Legal Secretaries Association. The Montgomery County Bar Association supported the study by including the questionnaire with its monthly newsletter. The returned questionnaires were keypunched and tabulated by Data Systems under the supervision of Betty Wang, Director of Systems and Programming. David F. Armstrong, Research Analyst with the Office of Institutional Research and Analysis, analyzed the responses and wrote the report.

1. THE POPULATION

Copies of the survey questionnaire (Appendix A) were mailed to all members of the Montgomery County Bar Association along with the July 1976 issue of the Association's newsletter. The population of practicing Montgomery County attorneys comprises approximately 920 individuals involved in some 600 separate practices.[1] The overwhelming majority of these practices is in general civil and/or criminal law.

The Office of Institutional Research and Analysis received replies from 83 of the aforementioned practices, representing 263 attorneys (29% of the population) or approximately 14 percent of the law practices, a low response rate.[2] In Table I the responding firms are compared to the population of Montgomery County lawyers on the basis of numbers of lawyers in the represented law offices. It is clear, on the basis of this comparison, that the smaller firms, and particularly single practices, are greatly underrepresented by the responses. There is a possible reason for and implication of this underrepresentation. There exists the probability that the small firms are less likely to be able to support a full-time legal assistant. An implication of the small sample is that extrapolation to the population of Montgomery County lawyers from the responses described herein may be somewhat risky.

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[1] According to the 1976 Martindale-Hubbell Law Directory.

[2] In the remainder of this report the terms "firm," "law office" or "practice" will be used interchangeably.

TABLE I

A COMPARISON OF THE SURVEY RESPONSES
WITH THE NUMBER AND SIZE OF LAW FIRMS
IN MONTGOMERY COUNTY

	LAW FIRMS		RESPONSES	
LAWYERS IN FIRM	NUMBER	PERCENT OF TOTAL FIRMS	NUMBER	PERCENT OF TOTAL RESPONSES
1	465	77%	28	34%
2	71	12%	14	17%
3	18	3%	18	22%
4	17	3%	2	2%
5	13	2%	8	9%
6 and above	16	3%	13	16%
TOTALS	600	100%	83	100%

$\chi^2_5 = 191.503,\ p < .001$

2. THE FINDINGS

Types of Courses Recommended by Attorneys

Sixty-five (78%) of the lawyers who responded to the survey indicated that they would like to have their employees take additional training. Table II and Figure 1 display the frequencies with which respondents recommended courses of study for their employees. The most frequently recommended course would concern "Drafting Wills and Probating Estates" while the least frequently recommended would be "Administrative Law." None of the courses specified in the survey questionnaire went unrecommended.

Functions of Legal Assistants

A series of functions that a legal assistant might perform were presented to the lawyers, and they recommended these functions in various frequencies. Table III and Figure 2 summarize these response frequencies. All of the suggested functions received some support and the most highly recommended was "contact clients for information."

Would Lawyers Hire Legal Assistants?

The lawyers were asked to respond to a series of questions regarding their need for and desire to hire legal assistants. As can be seen in Table IV, 57 (72%) of those responding answered "yes" or "probably" to the question, "can you foresee hiring a legal assistant for your office?" Sixty-one (79%) of the respondents indicated that their legal secretaries are definitely or probably interested in taking legal assistant courses. A large number of respondents (67 or 86%) would prefer to promote their own legal secretaries through legal assistant courses and on-the-job training. Note that this is a greater number than foresee

TABLE II

COURSES OF STUDY FOR LEGAL ASSISTANTS

SUGGESTED COURSE OF STUDY	RESPONSE NUMBER	FREQUENCIES PERCENT OF ALL RESPONDENTS
Divorce Law in Maryland	41	49%
Drafting Wills and Probating Estates	47	57%
Civil Litigation	30	36%
Criminal Litigation	6	7%
Real Estate and Property Law	40	48%
Tax Law	12	15%
Administrative Law	4	5%
Legal Research	34	41%
Appellate Procedures	6	7%
Law Office Management	41	49%
Business Law	13	16%
Business Organizations	12	15%
Elementary Accounting	18	22%
Others: Rules of Procedure	2	2%
Diversified Paralegal	1	1%
Commercial Law	1	1%

FIGURE 1

RECOMMENDED COURSES FOR LEGAL ASSISTANTS

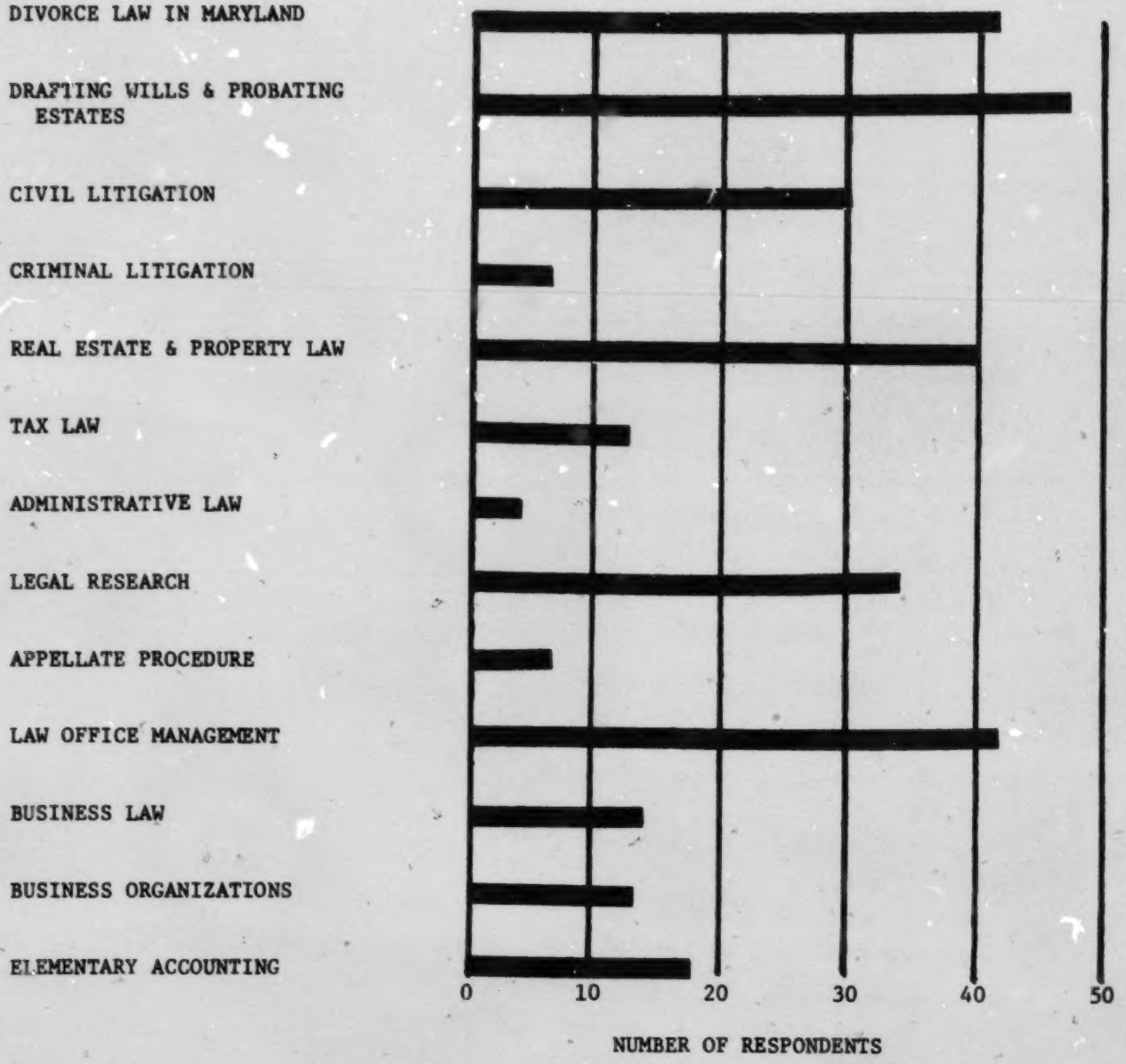

TABLE III

FUNCTIONS OF LEGAL ASSISTANTS

SUGGESTED FUNCTIONS OF LEGAL ASSISTANTS	RESPONSE NUMBER	FREQUENCIES PERCENT OF ALL RESPONDENTS
Contact Clients for Information	63	76%
Maintain Law Library	59	71%
Make Arrangements for Depositions and Hearings	59	71%
Prepare Preliminary Drafts of Wills, Deeds and Trusts	57	69%
Prepare Probate Inventories and Tax Returns	56	68%
Assist in Office Management	55	66%
Assist in Legal Research and Case Preparation	48	58%
Prepare Interrogatories and Responses	45	54%
Prepare Fee and Disbursement Statement	43	52%
Collect Data and Evidence	42	51%
Serve and File Papers	41	49%
Hire, Supervise and Train Non-Attorney Staff	35	42%
Search Records and Check Titles	34	41%
Prepare Preliminary Drafts of Briefs and Pleadings	32	39%
Index Documents and Prepare Digests	32	39%
Shepardize, Compile, and Select Citations	30	36%
Conduct Initial Interview with Clients	20	24%
Prepare Income Tax Forms	18	22%
Others: Handle Routine Correspondence	1	1%
Organize Form Files and Mag Card Files	1	1%
Prepare Preliminary Corporation Documents	1	1%
Preparation of Real Estate Documents	1	1%
Prepare Commercial Law Paperwork	1	1%

FIGURE 2

RECOMMENDED FUNCTIONS OF LEGAL ASSISTANTS

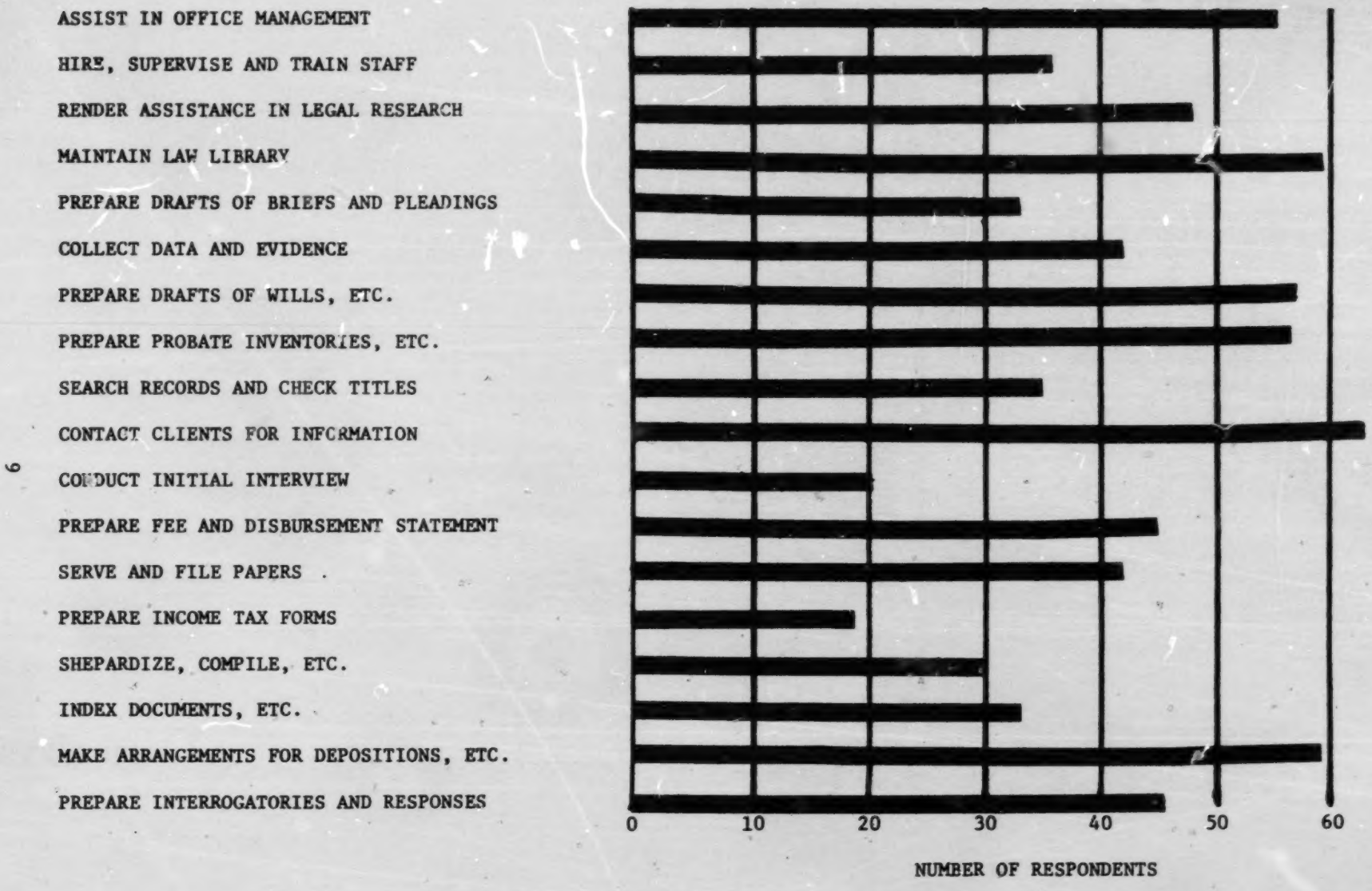

TABLE IV

WOULD LAWYERS USE LEGAL ASSISTANTS?

	YES		PROBABLY		NO		TOTAL NUMBER OF RESPONDENTS	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
Can you foresee hiring a legal assistant for your office?	38	48%	19	24%	22	28%	79	100%
Are any of your legal secretaries interested in taking legal assistant courses?	36	47%	25	32%	16	21%	77	100%
Would you prefer to promote your legal secretary or other non-lawyer employee through legal assistant courses and on-the-job training to a legal assistant position rather than to hire a new employee as a legal assistant?	55	71%	12	15%	11	14%	78	100%
Would your firm be willing to pay all or part of an employee's fee for taking legal assistant courses?	35	44%	33	42%	11	14%	79	100%
Would your firm increase the salary of an employee who has successfully completed a legal assistant program, assuming that the employee would be productive in this new capacity?	45	59%	26	34%	5	7%	76	100%
Would you be interested in hiring a new employee who has satisfactorily completed legal assistant training?	11	15%	29	39%	34	46%	74	100%

hiring a legal assistant. Sixty-eight (86%) would be willing to increase the salary of an employee successfully completing a legal assistant program. However, only 40 (54%) have any interest in hiring a new employee to serve as a legal assistant. These findings lead to the conclusion that, while there seems to be considerable interest in the establishment of a legal assistant program, the law offices surveyed would probably prefer to see their own employees complete a legal assistant training program rather than hire new employees. And further, a series of courses rather than a separate program might be more appropriate.

Salaries

The lawyers who said they would give raises to employees completing legal assistant programs were asked to indicate how much they would increase the salaries of their newly trained employees. A large number of those who responded positively did not indicate an amount, but it is clear that the majority of respondents see the $1,000-$2,000 range as reasonable raises for current employees who complete the program. (Table V).

Those lawyers who said they would hire new, specially trained personnel were asked to indicate the salary they would be willing to pay such employees. The majority of respondents felt that a trained legal assistant should be paid $10,000 per year or less. (Table VI).

Would Lawyers Help to Develop a Legal Assistant Program?

The final section of the survey questionnaire (Appendix A) deals with the extent to which local attorneys would be willing to support the

TABLE V

WOULD YOUR FIRM INCREASE THE SALARY OF AN EMPLOYEE COMPLETING A LEGAL ASSISTANT PROGRAM?

AMOUNT OF RAISE INDICATED IN QUESTION 11	YES	PROBABLY	OVERALL NUMBER	OVERALL PERCENT
$500	3	3	6	15%
$1000	18	4	22	54%
$2000	9	3	12	29%
$3000	0	0	0	0%
More than $3000	1	0	1	2%
TOTALS	31	10	41	100%

TABLE VI

WOULD YOU BE INTERESTED IN HIRING A NEW EMPLOYEE WHO HAS SUCCESSFULLY COMPLETED LEGAL ASSISTANT TRAINING?

AMOUNT OF SALARY INDICATED IN QUESTION 13	YES	PROBABLY	OVERALL NUMBER	OVERALL PERCENT
Less than $9000	3	6	9	28%
$9000-$10,000	3	8	11	34%
$10,000-$11,000	3	4	7	22%
$11,000-$15,000	2	3	5	16%
More than $15,000	0	0	0	0%
TOTALS	11	21	32	100%

development of a legal assistant program at Montgomery College. The responses to these questions reflect willingness on the part of the attorneys to support and assist in the development of such a program and to have their offices serve as training stations for legal assistant trainees. (Table VII). There was an especially strong positive indication of a willingness to contribute directly to course development.

Effects of Size of Law Office Upon Response Patterns

Answers of "yes" and "probably" were combined as "positive" responses for several of the survey questions and cross-tabulated by size of law office. (Table VIII). The questions are the heart of the "needs" assessment aspect of the survey since they deal with the employability of graduates of the proposed program. Note that for the first five questions in Table VIII there are no discernible relationships between law office size and the frequency of positive responses. However, in the final question concerning whether or not lawyers would be willing to hire new employees as legal assistants, there is a tendency of the larger firms to respond positively. Considering that the larger law offices were over-represented in the survey and the fact that their total number in the County is relatively small, there would appear to be a limited demand for new legal assistants. However, generalization to the entire number of law offices in the County should be made sparingly on the basis of the sample.

TABLE VII

TRAINING OF LEGAL ASSISTANTS

	YES		PROBABLY		NO		TOTAL NUMBER OF RESPONDENTS	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
Do you feel that field experience or an externship should be an essential part of a legal assistant program for the student who is new to law office work?	51	66%	16	21%	10	13%	77	100%
Would you be willing to have your law office serve as a work experience station for legal assistant trainees?	26	35%	21	28%	27	37%	74	100%
Would you be interested in teaching a course if the program were offered at night at a nearby location?	31	40%	17	22%	30	38%	78	100%
Would you be willing to support the development of the legal assistant program at Montgomery College by giving a limited amount of time to the program, e.g., in developing course syllabi, as a guest lecturer, or as an advisor for a special area of law, etc.?	55	75%	-	-	18	25%	73	100%

TABLE VIII

FREQUENCIES OF POSITIVE RESPONSE (YES OR PROBABLY)
BY NUMBER OF LAWYERS IN OFFICE

NUMBER OF LAWYERS	1		2		3		4 or more	
	NUMBER POSITIVE	PERCENT	NUMBER POSITIVE	PERCENT	NUMBER POSITIVE	PERCENT	NUMBER POSITIVE	PERCENT
		N=28		N=14		N=18		N=23
Can you foresee hiring a legal assistant for your office?	18	64%	9	64%	13	72%	17	74%
Are any of your secretaries interested in taking legal assistant courses?	17	61%	14	100%	12	67%	18	78%
Would you prefer to promote your secretary through a legal assistant course, etc?	25	89%	12	86%	13	72%	17	74%
Would your firm be willing to pay all or part of an employee's fee for taking legal assistant courses?	25	89%	12	86%	13	72%	18	78%
Would your firm increase the salary of an employee completing a legal assistant program?	25	89%	11	79%	14	78%	21	91%
Would you hire a new employee who has completed a legal assistant program?	9	32%	6	43%	11	61%	14	61%

3. CONCLUSION

Only very limited inferences can be drawn from the sample of respondents described in this report. The first of these is that, at least within the sample itself, there is considerable interest on the part of lawyers in the establishment of a legal assistant program. The extent of this interest would be hard to infer, although it is possible that those most interested in such a program would be those most likely to have responded to the survey. A second inference is drawn from the nature of the response distribution and concerns the apparent form that lawyers would recommend for such a program. The lawyers would much prefer to promote their own employees through a program of legal assistant training rather than hire a new employee as a legal assistant. Further, the number of large law offices which would be most likely to employ legal assistants is limited. Such a program could be effectively established as an integral part of training for legal secretaries or as a vehicle for additional in-service training and promotion for established legal secretaries or law office personnel. A certificate program would appear to be more appropriate than a program leading to an associate in arts degree.

APPENDIX

SURVEY QUESTIONNAIRE

MONTGOMERY COUNTY LEGAL SECRETARIES ASSOCIATION

Legal Assistant Questionnaire

Members of the Montgomery County Legal Secretaries Association are interested in upgrading their skills and in becoming certified legal assistants. Legal assistants under the supervision of a lawyer do responsible work traditionally performed by lawyers. The MCLSA has been talking with Montgomery College about such a program. Through the cooperation of some of the members of the Bar Association, the College has already offered two courses: DIVORCE LAW IN MARYLAND and DRAFTING WILLS AND PROBATING ESTATES. Both courses were well attended and evaluated as very successful by the students taking them. The MCLSA would like to see Montgomery College develop a certificate program and possibly a degree program in legal assisting. However, before the development can proceed, there needs to be some expression by the lawyers of Montgomery County as to their interest in the program. Will you please take a few minutes of your time to answer this questionnaire. Please mail it in the prepaid postage envelope enclosed as soon as possible. Thank you.

1. Total number of persons currently employed in your firm. _____

2. Please indicate number of each type of employee in your firm.

____ Attorneys ____ Legal Secretaries ____ Legal Assistants ____ Law Clerks

3. Would you be interested in having some of your employees take additional training to upgrade their skills? ____Yes ____No

4. If yes, what courses from the following would you wish them to take?

___Divorce Law in Maryland
___Drafting Wills and Probating Estates
___Civil Litigation
___Criminal Litigation
___Real Estate and Property Law
___Tax Law
___Administrative Law
___Legal Research
___Appellate Procedure
___Law Office Management
___Business Law
___Business Organizations
___Elementary Accounting
___Other (Specify) _____

5. The functions listed below are suggested as some of those that a legal assistant might perform under the supervision of a lawyer. Please check those functions you feel are appropriate or that you might wish to have performed by a legal assistant in your office.

___Assist in office management
___Hire, supervise, and train non-attorney staff
___Render direct assistance in legal research and case preparation
___Maintain law library
___Prepare preliminary drafts of briefs and pleadings
___Collect data and evidence
___Prepare preliminary drafts of wills, deeds, and trusts
___Prepare probate inventories and inheritance and federal estate tax returns
___Search records and check titles
___Contact clients for information
___Conduct initial interview with clients
___Prepare fee and disbursement statement
___Serve and file papers
___Prepare income tax forms
___Shepardize, compile, and select citatio
___Index documents and prepare digests
___Make arrangements for depositions and hearings
___Prepare interrogatories and responses thereto
___Other (Specify) _____
_____
_____

6. Can you foresee hiring a legal assistant for your office? __Yes __No __Probably

7. Are any of your legal secretaries interested in taking legal assistant courses? __Yes __No __Probably

8. Would you prefer to promote your legal secretary or other non-lawyer employee through legal assistant courses and on-the-job training to a legal assistant position rather than to hire a new employee as a legal assistant? __Yes __No __Probably

9. Would your firm be willing to pay all or part of an employee's fee for taking legal assistant courses? __Yes __No __Probably

10. Would your firm increase the salary of an employee who has successfully completed a legal assistant program, assuming that the employee would be productive in this new capacity? __Yes __No __Probably

11. If you answered YES to Question 10, how much more a year would you be willing to pay such an employee? __$500 __$1,000 __$2,000 __$3,000 __More than $3,000

12. Would you be interested in hiring a new employee who has satisfactorily completed legal assistant training? __Yes __No __Probably

13. If you answered YES to Question 12, what salary would you expect to pay such an employee? Please check range.

Less than $9,000____ $11,000 - $15,000____
$ 9,000 - 10,000____
$10,000 - 11,000____ Over $15,000____

14. Do you feel that field experience or an externship should be an essential part of a legal assistant program for the student who is new to law office work? __Yes __No __Probably

15. Would you be willing to have your law office serve as a work experience station for legal assistant trainees? __Yes __No __Probably

16. Would you be interested in teaching a course if the program were offered at night at a nearby location? __Yes __No __Probably

17. Would you be willing to support the development of the legal assistant program at Montgomery College by giving a limited amount of time to the program, e.g., in developing course syllabi, as a guest lecturer, or as an advisor for a special area of law, etc. __Yes __No

18. Please feel free to make comments or suggestions. Again, thank you for completing the questionnaire and mailing it promptly.

19. If you wish, you may give the name, address, person completing the questionnaire, and telephone number of your firm.

(Continued from inside front cover)

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